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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,371	03/17/2004	Osamu Yamamoto	1232-5347	5489
27123	7590	11/02/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			POLYZOS, FAYE S	
			ART UNIT	PAPER NUMBER
			2884	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,371	Applicant(s) YAMAMOTO, OSAMU	
	Examiner Faye Polyzos	Art Unit 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by *Kaifu et al (US 6,528,796 B1)*.

Regarding claim 1, Kaifu discloses a radiographic apparatus comprising: an imaging unit for converting a radiation image of an object (502) into an image signal; and a shield member (301) for shielding the imaging unit from scattered rays arising inside the radiographic apparatus from radiation passing through the imaging unit, the shield member including a plurality of areas in which a radiation transmittivity differ (See Generally Figs. 1, 4-5 and col. 4, lines 64-67 and col. 5, lines 53-67 and col. 6, lines 1-5).

Regarding claim 2, Kaifu discloses a radiographic apparatus wherein the radiation transmittivity of the plurality of areas is selected so that an amount of scattered

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rays passing through the plurality of areas and entering the imaging unit is uniform (See Generally Fig. 5 and col. 5, lines 53-67 and col. 6, lines 1-5).

Regarding claim 5, Kaifu discloses a radiographic apparatus wherein a thickness of the plurality of areas (301) differs (See Generally Fig. 5 and col. 5, lines 53-67 and col. 6, lines 1-5).

Regarding claim 6, Kaifu discloses a radiographic apparatus wherein constituent elements causing the scattering rays include an electronic structure (col. 7, lines 29-40 and claim 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaifu et al* (US 6,528,796 B1) as applied to claim 1 above, and further in view of *Crowell et al* (US 5,804,832 A).

Regarding claim 7, Kaifu discloses a radiographic apparatus comprising: an imaging unit for converting a radiation image of an object (502) into an image signal; and a shield member (301) for shielding the imaging unit from scattered rays arising inside the radiographic apparatus from radiation passing through the imaging unit, the shield member including a plurality of areas in which a radiation transmittivity differ (See Generally Figs. 1, 4-5 and col. 4, lines 64-67 and col. 5, lines 53-67 and col. 6, lines 1-

5). Kaifu does not specifically disclose of the radiographic apparatus being of a cassette-type. Crowell discloses the radiographic apparatus is of cassette-type (See Generally Fig. 5). Crowell teaches it is well known of traditional radiographic imaging systems comprise a source of X-ray radiation, patient supporting equipment adapted to support a patient in an appropriate position during the imaging process, and an image capture device where the image capture device typically comprises a light tight enclosure known as a cassette, in which there is placed a photographic film to record the X-ray generated image (col. 1, lines 12-24). Therefore, it would have been obvious to modify the apparatus suggest by Kaifu to allow for a cassette-type radiographic apparatus, as suggested supra by Crowell, to allow for a more versatile apparatus.

Allowable Subject Matter

4. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding dependent claims 3 and 4, the prior art, as stated supra, does not disclose or fairly suggest a radiographic apparatus wherein the plurality of areas are composed of different materials.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Polyzos whose telephone number is 571-272-

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2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP

OTILIA GABOR
PRIMARY EXAMINER

